

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

FRANK M. NEFF

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Plaintiff

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v

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Civil Action No. RDB-12-2314

WARDEN

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Defendant

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**MEMORANDUM OPINION**

Plaintiff Frank Neff (“Neff”) filed a supplemental Complaint and a Motion to Proceed in Forma Pauperis in the above-captioned case. ECF No. 3 and 4. Because he appears to be indigent, his motion will be granted.

Neff asserts that correctional officers<sup>1</sup> have asked him if he or anyone he knows is interested in buying drugs or tobacco in violation of prison directives as well as state and federal law. Neff further states that he reported this conduct to a state court judge who referred the matter back to the Warden at Western Correctional Institution (WCI). Neff claims the Warden, as well as other supervisory officers, indicated they were not interested in taking any action on the reported behavior. He states that if no action is taken, he intends to pursue the matter with the Department of Justice. As relief he seeks enforcement of state and federal law, 3000 days of good conduct credit, and 800 dollars. ECF No. 3 at pp. 3 – 5.

Neff’s allegations do not state a claim for civil liability; he has simply reported alleged criminal activity which has caused him no legal harm. This court, or any other court, is not the appropriate forum for Neff’s report. Additionally, as an alleged crime victim Neff has no constitutional right to insist on criminal prosecution. *Sattler v. Johnson*, 857 F.2d 224 (4th

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<sup>1</sup> He names twelve officers in his supplemental complaint. ECF No. 3 at p. 5.

Cir.1988). The Complaint shall be dismissed.

Notwithstanding these considerations, Neff's allegations are troubling. His complaint, supplemental complaint and a copy of this Order shall be forwarded to the United States Attorney General for the District of Maryland for his consideration. Neff is reminded that the decision to take action on his report lies within the sole discretion of the United States Attorney and he has no recourse in this Court if no action is taken.

A separate Order follows.

September 17, 2012  
Date

\_\_\_\_\_/s/\_\_\_\_\_  
RICHARD D. BENNETT  
UNITED STATES DISTRICT JUDGE